

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON, FOR KING COUNTY

BERT STARES,

No. 367315

Plaintiff,

-vs-

MAUDE PALMBERG, ANNIE
STANGROEM, GERTIE GORMAN
HUGHES, MRS. ARTHUR HARRIS,
formerly Eileen Stangroom,
Minnie Zengell, deceased,
and her heirs, and ALFRED
PALMBERG, deceased, and
his heirs,

ANSWER TO PLAINTIFF'S

AMENDED COMPLAINT

REB JU 23 11 '38
FILED
NORMAN B. MUSSEL, CLERK
KING COUNTY, WASH.

Defendants.

Come now the defendants Gertie Gorman Hughes and Minnie Hughes, executrix of the last will and testament of Maude Palmberg, deceased, and for answer to the amended complaint of the plaintiff herein say:

I.

Answering Paragraph I of the said amended complaint these defendants admit that the parties are joint owners of Parcels A and C designated in said paragraph, but deny all the remainder of said paragraph.

II.

Answering Paragraph II, they admit that Minnie Hughes is the executrix of the will of Maude Palmberg; that Gertie Hughes was formerly Gertie Gorman; they deny all other parts of said paragraph.

III.

They deny Paragraph III of the said amended complaint.

IV.

They deny Paragraph IV of said amended complaint.

V.

Answering Paragraph V, they deny

every part thereof, except they admit that Gertrude Hughes and her husband improved Parcel A. They admit that no party paid any rent.

VI.

Answering Paragraph VI, the defendants deny the same.

VII.

They deny Paragraph VII and each and every part thereof.

VIII.

They deny Paragraph VIII.

FOR FURTHER ANSWER AND BY WAY OF CROSS-COMPLAINT AGAINST THE PLAINTIFF, THESE DEFENDANTS SAY:

I.

That the property involved in this proceeding is property owned by the parents of the parties hereto. That the plaintiff, Bert Stares, was administrator of the estate, but after the close of the estate these defendants and the other defendants, while the property was still intact, gave to plaintiff the money to pay the taxes upon said property, relying upon the plaintiff, Bert Stares, to pay the same, and that he accepted the same, as trustee, for the purpose of paying the taxes. That after some time these defendants discovered that plaintiff had misappropriated the money and had not paid the taxes, as a result of which these defendants lost their interest in Parcel B of the property mentioned in the complaint, and the same was sold for taxes, and the same has become a total loss to these defendants, as well as the money which they advanced to pay the taxes.

II.

That if the partition be had in this case, these defendants assert that they are entitled to have their portion of Parcel B that was lost by reason of the taxes not being paid, charged against the plaintiff, as well as the money which they advanced

to pay the taxes, and which was misappropriated by the said Bert
III.

That the plaintiffs have continuously used and lived on a
part of the property involved, namely Parcel A, since 1925, have
paid no rent therefor, and have used the whole of said Parcel A.
That a reasonable rental therefor is \$50.00 per month, which
plaintiffs should be required to pay to defendants as reasonable

FOR FURTHER ANSWER AND BY WAY OF AN AFFIRMATIVE DEFENSE,
THESE DEFENDANTS SAY:

I.

That there is a defect of parties plaintiff and defendant.
That as to the property sought to be partitioned in this case,
there are many other parties interested, known to the plaintiff,
who have an interest, and they have not been made defendants,
neither have they been made plaintiffs in this cause, and that
to proceed with this cause would amount to nothing.

WHEREFORE, having fully answered, these defendants pray
the equities of this court.

W. G. Hughes
Atorneys for defendants Gertie
Gorman Hughes and Minnie Hughes,
Executrix.

STATE OF WASHINGTON)
County of King } ss.

GERTIE GORMAN HUGHES, being first duly sworn, on oath de-
poses and says That she is one of the answering defendants herein
that she has read the foregoing answer, knows the contents there-
of, and believes the same to be true.

29 SUBSCRIBED AND SWORN TO before me this 5 day of June, 1948.
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W. G. Hughes
NOTARY PUBLIC and for the State
of Washington, residing at Seattle